NEW-YORK, FRIDAY, MARCH 6, 1868.

Vol. XXVII....No. 8,395.

WASHINGTON.

THE HIGH COURT OF IMPEACHMENT-THE HOUSE IMPEACHMENT COMMITTEE—THE CHIEF-JUS-TICE AND THE SENATE—THE PRESIDENT PREPARING A DEFENSE—HIS EXCELLENCY'S NEW-FOUND FRIEND—QUIET IN THE WAR DEPARTMENT—ROSS BROWNE'S REPORT—THE CHIEF-JUSTICESHIP.

WASHINGTON, Thursday, March 5, 1868. Another historic day in Washington, and another and very important step in the programme of impeachment. As early as 9 o'clock this morning all the avenues leading to the Capitol were thronged, for it was known that the Senate would at 1 o'clock resolve itself into the High Court of Impeachment which is to weigh and determine Andrew Johnson's right to continue in office. Long before noon Senate's 'galleries were crowded with an attentive concourse of both sexes. The ladies' gallery was unusually brilliant, and its occupants chattered like 10,000 magpies until a rap of the Vice-President's gavel awed them into silence, and warned them of a prayer from the Chaplain, which immediately followed. A rumor was then put into circulation, and it traveled with the speed of electricity, that Chief-Justice Chase had declined to open the Court to-day on account of the MeArdle case, which had engrossed his attention and that of all his associates on the Supreme bench; but this soon proved to be a false alarm. The routine business of the morning hour was voted a bore by all in the Senate Chamber. People had come to witness a momentous event, and could not naturally have patience with pension bills and such legislative trifles as seemed to lengross the Senate's attention during the first hour. One o'clock was anxiously watched for, and promptly at that hour the entrance doors of the Senate Chamber were thrown open, and both floor and galleries were hushed into keen expectancy. A moment later the Chief Justice, easily recognizable in his judicial robes, entered, accompanied by Senator Pomeroy on his left, and followed by Judge Nelson, who was in plain civilian dress, and walked arm in arm with Senator Wilson. Mr. Wade, in the chair, immediately rapped his gavel, suspended legislative business, announced yesterday's resolution for the organization of the Court, and vacated the chair. The Chief Justice, with his escort, walked down the aisle to the Vice-President's desk, and said:

SENATORS: I am here in obedience to your notice for the purpose of proceeding with you in forming a Coart of Impeachment for the trial of Andrew Johnson, President of the United States. I am now ready to take the oath. Associate-Justice Nelson then administered the following oath to the Chief Justice:

I do solemly swear that in all things appertaining to the trial of the Impeachment of Andrew Johnson, Presi-dent of the United States, now pending, I will do impar-tial justice according to the Constitution and the laws, so help me God.

The Chief Justice then took the chair which Mr. Wade had just vacated, and ordered the Senators to be sworn in succession. By this time the galleries were so densely crowded that scores of women found it necessary to take seats on the steps and in the aisles, and the doors were choked with spectators, and members from the House flocked in and crowded the floor and lobbies. Prominent among them, and evidently pleased with the events that were occurring, and seemingly conscious of the early part which he had taken in it, was Mr. Ashley, who stood just behind Mr. Sumner. Speaker Colfax nestled himself in Mr. Chandler's seat. Messrs. Eggleston and Cary, from opposite sides of the floor, gazed fixedly at the great prologue. The diplomatic gallery was by this time literally jammed with foreign ministers, em-

bracing Mr. Thornton and Senators' wives, including The perfect quiet that fell on floor and galleries, as the solemn and measured sentences of the Chief stor after Senator was sworn. Some disappointment was felt that the Senators were not sworn in groups. as on the the first day of a Congress, instead of one by one in alphabetical order, commencing with Mr. Anthony. The roll proceeded, and as the name was called the Senator approached the desk of the pre-Ahe same oath that he himself had taken a few moments before. Meantime the Managers on the part of the House had come over in procession, and were waiting to enter the Chamber, led by Mr. Bingham. They evidently expected a shorter process of organizing the Court. As it was, they did not make their appearance inside of the Bar of the Senate until name after name was called, and Senator after Senator was qualified. Only three failed to respond, namely Messrs. Doolittle of Wisconsin and Patterson of New-Hampshire, who are campaigning in the East, and Saulsbury of Delaware, who was laboring under an indisposition to which he is subject in an uphappy degree. The Clerk had reached the letter U, and only five names remained on the roll. It seemed as though the organization of the court was nearly complete; but at the call of Mr. Wade's name the monotony of the past half hour was interrupted by Mr. Hendricks, who rose in his seat, and in a few incisive sentences undertook to show why Mr. Wade should not be permitted to sit as a member of the court that may transfer to him the Executive Office now held by Andrew Johnson, for whose displacement the court is organized. He spoke briefly, but stated his case plainly. His point was, that as the Constitution provided that the Vice-President could not sit as President of the court, because it inwolved his own succession, so neither could Mr. Wade, who is the acting Vice-President, sit as member of the court. Several Senators rose to respond, Messrs. Howard and Sherman among them. The Chief-Justice recognized the latter, who, evidently prepared for what had occurred, replied that his colleague is a Senator from Ohio, that Ohio is entitled to two representatives in the Court, and, to sustain his points, he quoted the Constitution. Mr. Howard followed. He could see no distinction between Mr. Patterson, who was connected with the President by ties of relationship, and Mr. Wade, who had merely an interest in the result of the trial. Mr. Howard sat down, and again several Senators claimed the floor. Reverdy Johnson was recognized, and in a short speech, which commanded breathless attention in the chamber, he supported the views of Mr. Hendricks, quoting, as a precedent established by the Senate itself, the case of Mr. Stockton of New-Jersey. in which it was decided that no man can vote on any question in which he is personally interested. He alluded to Mr. Sunner, who had labored hard to get this decision in the Stockton case. Mr. Summer attempted to get the floor in reply, to show the want

of analogy between the two cases; but Garret Davis attracted the eye of the Chief-Justice first, and in a

speech of about five minutes duration attempted to

show that Mr. Hendricks's objection was well taken. Mr. Morrill, of Maine, thought that the objection could come from the accused only, and that no Senator had a right to make it. This point was soon afterward more forcibly illustrated by Mr. Morton. when he said that no Senator had a right to chal

lenge another unless he appeared on this floor as the counsel for the accused. If Mr. Hendricks and the others who denied Mr. Wade's right to a seat in the Court appeared here as Mr. Johnson's attorneys, well and good; but if so, he did not see how they

could act as judges and jurors also. This short speech of Morton's fell with weight upon all. Messrs. Williams and Fessenden maintained that the present

was not the time to settle the question. The Court was not yet organized, and it was not for one Senator to say that another should not sit as a member. This presented a confused aspect of affairs. Mani-

feetly, it was not the Senate that was in session; for if so, the Chief-Justice would not be in the chair. It

on. Messrs. Sumner, Pomeroy, Conness, Dixon, and others, took part; and each speech seemed, instead of deciding the question, to open up new points of discussion. At 41 o'clock it became evident that the subject could not be determined to-day, and the Court, and immediately afterward the Senate, ad-

journed, to renew the debate to-morrow. Some new facts have come to light relative to the impeachment rules and regulations and the communication of Chief-Justice Chase. It appears that Senator Howard called on Mr. Chase before the rules were adopted, and told him that the Senate would consult him on the subject. Notwithstanding this declaration of Mr. Howard, it is said that the Senate did not communicate with the Chief Justice until after the rules had been prepared adopted, and that that gave rise to his letter of yesterday. When the Sub-Committee of the Senate called on Mr. Chase last evening, and gave him the official notice that the Senate re quired his attendance to-day, he feared that he might be unable to attend, as the McArdle case was still on, and, he had promised counsel in this case that he would continue to hear their arguments. He asked whether the impeachment proceedings could not be postponed until to-morrow, He addressed a letter to the Committee this morning, detailing substantially the above conversation of last evening. The Committee met at 12 o'clock to-day, and again informed Mr. Chase that the Senate required his presence, and urged him to postpone the McArdle case. He again requested a postponement, but after considerable discussion he yielded to the wishes of the Committee. As correspondents in the interest of the President have reported that the Chief-Justice would consult his own convenience and help protract the trial, and as this recent action on his part may lend some cotor of truth to these reports, it is but fair to say that Chief-Justice Chase entertains no such intentions. He asked the Committee to-day when they intended to make the summons returnable, and they replied, on Tuesday. The Chief-Justice then asked a postponement until to-morrow, remarking that the writ could be made returnable on Monday, which would be the same thing in point of time. The Senate Committee of Managers met this afternoon, and, it is understood agreed that it is the duty of Mr. Chase to decide on the admissability of Mr. Wade, and that he will be called on to so act to-morrow.

The House proceedings to-day were destitute of special interest. During the morning hour, several resolutions and bills were introduced. Among the latter was a bill offered by Mr. Elliot of Mass., relative to the Supreme Court of the United States, providing that in case of the removal of the Chief-Justice from office, or of his resignation or inability to discharge the duties of his office, such duties shall devolve upon the associate justice longest upon the Supreme bench, until another shall be designated for the position. This was referred to the Judiciary Committee, with leave to report at any time. At 1 o'clock the House went into Committee of the Whole, and took a recess for the purpose of witnessthe formation of the Senate into a court the trial of the President. Nearly all the Representatives went to the Senate Chamber and were provided with seats. They remained until 44 o'clock, when first the Court and afterward Senate, adjourned. The House again reassembled and took up the case of Mr. Butler, the claimant for a seat in Congress from Tennessee, who labors under Constitutional disabilities on account of the testoath. After a long, sharp debate on the subject, the House adjourned without reaching a vote.

The proceedings in the Senate to-day as a Court of Impeachment are the theme of discussion everywhere in this city to-night. The President's friends point to them as indicative of the length of the trial, arguing that it cannot be finished for the next four or five months. Republicans do not concur in these views, but hold that everything is being conducted legitimately and fairly.

The White House and War Department continue

quiet. The former was visited by a very large number of people to-day. Among them was Gen. Cary, Member of Congress from one of the Cincinnati Districts. Ohio. Since he voted against impeachment, he ceives him as one of his advisers and friends. He has already secured an appointment for a relative, and the office-seekers and office-brokers of the White House seek and court him for the influence which he is supposed to have. Attorney-General Stanbery was closeted with Mr. Johnson a long time to-day. The President is preparing himself for the approaching trial, and has called on Stanbery to aid him. Other members of the Cabinet were with him to-day.

At the War Department, Mr. Stanton may be found at any period of the day or night. The business of the Department goes on quietly. Adjutant-General Thomas visited the Department to-day, merely for the purpose of getting his private letters. To-night Mr. Stanton had the usual number of callers.

The President makes it known to-night that he has at last turned his attention to his defense. On that subject he says, "I have so far only one gentleman retained, namely, Mr. David Dudley Field of New-York; but I have written and telegraphed to several others, namely : William M. Evarts, W. S. Groesbeck, and others, but I have not yet received replies

The President has signed the bill extending the time for the completion of the Dubuque and Sioux City Railroad. Also, the joint resolution authorizing the Controller of the Currency to revoke the appointment of Receiver for the Farmers' and Citizens' National Bank of Williamsburgh, N. Y., and to restore said bank to its owners under certain condition s. Also, the bill authorizing the Light-House Board, when in their judgment it is deemed necessary, to place a light-vessel, or other suitable warning of danger, over any wreck or temporary obstruction to the entrance of any barbor, or in the channel or fairway of any bay or sound.

The Secretary of the Treasury has transmitted to Congress J. Ross Browne's report on the mineral resources of the States and Territories west of the Rocky Mountains. This work has been in progress upward of a year, and embraces a complete summary of everything essential to a correct understanding of our great mining interests, including the geological formation of the mineral belts, the number of mines in operation, their yield and condition, the treatment of ores, and some general considerations of the precious metals. The report will make about 600 printed pages. Mr. Brown estimates the yield of the States and Territories for 1867 as follows:

California. \$25,000,000 Colorado. 2,500,000

	Nevada	
Ì	Idaho 6,500,000 Miscellsneons	5.000,000
j	Oregon 2,000,000 Total	\$75,000,000
	The entire product of the precious metals f to Jan. 1, 1868, is estimated as follows: Callfornia	rom 1848
	Montana 65,000,000 rons	\$5,000,000
1	Idahe	45,000,000
١	Oregun 29,000,000 elry, etc	50,000,000
ì	Total	
	Placer mining is on the decline. Vein or	

Placer mining is on the decline. Vein or quartz mining is progressing favorably. A general decline is observed in the bullion product. The population actually engaged in mining has greatly diminished in the past few years, and does not now exceed 50,000. Agriculture, manufactures, and commerce are assuming the preponderance over the mining interest. The area of land suitable for cultivation is much larger than was originally supposed. Important results are anticipated from the completion of the Pacific Railrond. The miscellaneous minerals of the Pacific slope are elaborately described. Copper mining is in a depressed condition; also quicksilver. The report embraces detailed descriptions of the mineral resources of California, Nevada, Utah, Arizona, Montana, Idaho, Washington Territory, and Oregop. Interesting statistics are also given of the history and condition of the mining interest in Europe, Mexico, South America, Australia, and British Columbia.

olumbia. The President has nominated to the Senate David was not the High Court of Impeachment, for that M. Fleming to be Assessor of Internal Revenue for the IVth District of Ohio.

The President has directed pardons to be issued to James M. and Horace H. Gould of Northern New York, who were convicted in November last of passwas not yet fully organized. It was a body in a transition state from one to the other, and a very critical juncture at which to raise such an important

spection as was under debate. Still the debate went

ing counterfeit money. Their term of imprisonment had expired.

THE MCARDLE CASE. THE RECONSTRUCTION ACTS IN REVIEW. WASHINGTON, March 5 .- In the Supreme Court to day, Mr. David Dudley Field spoke on behalf of the appellant. In approaching the argument in this great cause, the Court should all exclude from it every extraneous or disturbing element. They should be elevated if they could, above the strife fand passions of the hour, to a more screne, a purer atmosphere. With struggles for office and the rise and fall of parties, and with the policy of the President and of Congress office and the rise and fall of parties, and with the policy of the President and of Congress they had nothing to do within the walls of this Chamber of Justice. The Court had been told that the judiciary is not an equal coordinate department of the Government. Was there any coordinate department? Were there coordinate departments? For the first time it had been surgested here that the judiciary department is not coordinate with the others. This notion never entered the minds of those who made the Constitution. In the convention which framed that instrument the first thing done was to pass a resolution declaring that the National Government shall consist of a supreme legislative, executive, and judiciary departments, and he maintained that the degree of separation required in the performance of their respective duties was essential the performance of their respective duties was essential the performance of their respective duties was essential the other in their respective functions. Power was encroaching continually, and therefore it was necessary to guard against its improper influence. The case before the Court was that of a man, McArdie, a citizen of Mississippi, who in October, 1867, was arrested and taken before a military commission, on charge of a military commission, on charge of a military defense our constitutional form of government, a citizen could be thus subject to military trial—a citizen not impressed with a military character. To maintain this assumption of power, counsel came here under the authority of the Secretary of War, and the additional question was whether the Reconstruction acts were or were not reconcilable with the supreme law of the land, and whether a State could be seized and governed by the military. The promisent question hinged on the preamble of the original act, and on the 1st and 3d sections of it. He denied the truth of the assertion in the preamble of the original act, and on the 1st and 3d sections of it. He denied the truth of the assertion in the preamble of the civil they had nothing to do within the walls of this Cham-

THE IMPEACHMENT COMMITTEE.

WASHINGTON, March 5.- The Hon. Burt Van Horn having been sworn, was examined by the Impeachr

CHIEF-JUSTICE CHASE'S LETTER.

The Washington correspondent of The Boston Advertiser has the following:

"There is a great deal of talk about Chief-Justice Chase's letter. Everybody seems to regard it as very importune. The leading impeachers declare that it shows plainly that Chase is opposed to the whole business, and is going to avail himself of every-opportunity to delay proceedings during trial. The more considerate Republicans say that it was impertinent in him to write such a letter; that he has not yet been informed of the action of the House, and, therefore, knows nothing about it officially; that the proper time for him to bring forward his views and objections would have been immediately after the organization of the court of impeachment. It seems pretty generally regarded, both by Republicans and Democrats, as preliminary to an assertion on his part of the right to vote on all questions coming up in the trial. There is little probability, however, that thus right will be conceded by the Senate."

XLTH CONGRESS-SECOND SESSION. SENATE WASHINGTON, March 5, 1868

The Chaplain, the Rev. Dr. Gray, prayed, this morning, that Senators might be prepared for the discharge of their duties, to-day, and that God would preside over all their deliberations; that all partisan zeal and selfish motives, all sectional prejudices, should bow to the supremacy of the law; that the decision to be reached by this Court should be such as shall be approved in the high court of Heaven—a decision to which all the people shall say, Amen.

THANKS FROM SOUTH CAROLINA.

The CHAIR laid before the Senate a resolution from the Constitutional Convention of South Carolina on the part of the loyal people of that State, thanking the Con-

part of the loyal people of that State, thanking the Congress, the Secretary of War, and the General of the Army, for their devotion to the Constitution and the laws.

COMMUTATION OF ARMY OFFICERS' PAY.

Several remonstrances against Mr. Wilson's bill for the commutation of Army officers' pay were referred.

THE TERRITORY OF LINCOLN.

Mr. FRELINGHUYSEN (Rep., N. J.) presented a petition of citizens of New-Jersey, praying that the new Territory to be erected from the Territory of Dakota be named Lincoln. Committee on Territories.

ELLIEF OF A NAVAL PAYMASTER.

Mr. ANTHONY (Rep., R. I.) reported a bill for the relief of John S. Cunningham, Paymaster United States Navy. The bill, which appropriates \$1.671 61 to remunerate him for Government money stolen from him, was passed.

Nay. The bill, which appropriates \$1.671 01 to remuner ate him for Government money stolen from him, was passed.

Mr. FRELINGHUYSEN (Rep., N. J.) reported a bill authorizing the Secretary of the Navy to appoint three responsible officers to select suitable sites for powder magazines. Passed.

THE REBEL RAM ALBEMARLE.

Mr. HENDRICKS (Dem., Ind.) introduced a bill to compensate certain persons who took part in the destruction of the Rebel ram Albemarie. Claims.

REBULIONG MISSISTIPI RIVER LEVEES.

Mr. FOWLER (Rep., Tenn.) a bill to rebuild the levees on the east bank of the Mississippi River, and to reclaim lands along the Yazoo River.

PREPARATION FOR THE IMPEACHMENT TRIAL.

On motion of Mr. SHERMAN (Rep., Ohio) the Senate took up the resolution offered yesterday by Mr. Anthony in relation to the issue of tickets for the galleries during the impeachment trial, and the preservation of order. Mr. Sherman offered an amendment to allow a portion of the gallery to be free to the public.

Mr. CONKLING (Rep., N. Y.) Each that the result would be to compress into a portion of the gallery which would accommodate less than 900 altogether, as many people as the whole would accommodate. Six hundred and seventy tickets, therefore, was all that should be Issued.

Mr. ANTHONY said that, after consultation, the order had been deemed the best that could be prepared. Mr. Anthony was cut short by the expiration of the morning hour, and the appearance of the Chief-Justice and attendants at the doer.

The PRESIDENT pro lem. said: The morning hour the PRESIDENT pro lem. said: The morning hour the proper in t

ir, and the appearance is at the door.

The PRESIDENT pro tem, said: The morning hour ving expired, all legislative and executive business of escale is ordered to cease, for the purpose of proceeding to the business connected with the impeachment of President of the United States. The chair is vacated OPENING OF THE HIGH COURT OF IMPEACHENT.

The Chief-Justice then advanced up the aisle, clad in his official robes, and; escorted by Mr. Pomeroy, Chairman of the Committee appointed for that purpose, with Judge alew, Wilson, and the other members of the Committee bringing up in the rear with Members of the House who stood behind the bar of the Senate. The Chief-Justice naving ascended to the President's chair, said in a meas-

"SENATORS: In obedience to a notice, I have appeared to join with you in forming a Court of Impeachment for the trial of the President of the United States, and I am now ready to take the oath."

Judge Nelson then administered to the Chief-Justice THE OATH.

"I do solemnly swear that in all things pertaining to the trial of the Impeachment of Andrew Jonnson, Presi-dent of the United States, I will do impartial justice ac-cording to the Constitution and laws, so help me God."

The Chief-Justice then said:

The Secretary called the roll, each Senator advancing in turn and taking the oath prescribed in the rules as given above. The only Senators absent were Doolittle of Wis onsin, Edmunds of Vermont, Patterson of New-Hampshire, and Saulsbury of Delaware.

When the name of Senator Wade was called, Mr. HEN-DRICKS rose, and put the question to the presiding officer, whether the Senator from Ohio, being the person who would succeed in the Presidential office, was entitled to

Mr. SHERMAN argued that the Constitution itself settled that question. It provided that the presiding officer should not preside on the trial of an impeachment of the President, but, being silent as to his right to be a member of the Court, it follows] by implication that he

a member of the Court. Each State was entitled to be represented by two Senators. The Senate had already seen a Senator who was related to the President by marriage take the cath, and he could see no difference be tween interest on the ground of affinity and interest which the Senator from Ohio might be supposed to have. Besides, the Senator from Ohio was only presiding officer of the Senate pro tempore, and might or might not continue as such to the close of these proceedings. He therefore hoped that the oath might be administered to

the Senator from Ohio. Mr. JOHNSON assimilated this case to that of an dinary judicial proceeding, and reminded the Senate that no judge would be allowed to sit in a case where he had direct interest. Was it right, he said, to subject a Senator to such a great temptation—the whole executive power of the nation with \$25,000 a year? He submitted, tice that such a precedent should not be etablished, as it would bring the Senate into disrepute. Why was it that he Chief-Justice now presided! It was because the itled to benefits should not be permitted ever to preside where he could only vote. In case of a tie vote he did not know that the question could be decided at once. It was a grave and important question, and would so be was not proper to postpone its decision until to-morrow in order, particularly, that the precedents of the English fore, that the question be postponed until to-morrow.

Constitution. It was thought that the man who was to succed the President, in case of removal from office, should not take part in the trial of the President. If the case of Mr. Wade did not come within the letter of the Constitution, it did not come clearly within its principle

Mr. MORRILL argued that there was no party before the Court to make the objection, and that it did not lie in the mouth of one Senator to raise an objection against a fellow-Senator. When the party appeared here, then ob-It seemed to him that the Court had no option and no dis-

tinction but to administer the oath to all Senators. not for a Senator to present the question. It was for the seat in the Court is entitled to it; therefore the question was not immediately made. The suggestion of Senator President of the Senate was no answer to the objection. Senate, he could be swern in. But at this time, he was incompetent. In the case of Benator Stockton of New-Jersey, the question had been decided. There it was held that the Senator being interested in the result of the vote, he had no right to vote. One of the standing rules of the Senate itself was that no Senator should vete when he had an interest in the result of the vote. But, in his judgment, the constitutional ground was even higher than the question of interest. The Vice-President was not allowed by the Constitution to keep order in the Senate during an impeachment trial. He need not disclaim any personal feeling in the matter. He made the point now because he thought the Constitution itself had settled it; that no man should help to deprive the President of his office, when that man himself was to fill the office. He hoped that, in view of the importance of the question, the motion made by the Senator from Maryland would prevail.

Mr. WILLIAMS held that the objection was entirely

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Mr. WILLIAMS held that the objection was entirely immaterial. If this body was the Senate, then the presiding officer of the Senate should preside; and if it was not, was there any Court organized to decide the question! He never heard that one juror could challenge another juror, or that one Judge could challenge another juror, or that one Judge could challenge another Judge. Had a Court ever been known to adopt a rule that a certain member of it should or should or not participate in its proceedings? It was a matter entirely for the Judge himself.

Mr. DAVIS asked whether, if a Vice-President came here to present himself as a member of the Court, the Court itself could not exclude him?

Mr. WILLIAMS did not think that a parallel case, for by the very words of the Constitution the Vice-President was excluded. It did not follow that, because this Court was organized as the Constitution required, a Senator having any interest would participate in the trail. He might, when the case came on for trial, decline to participate. If any Senator should insist, notwithstanding the rule of the Senate referred to, upon his right to vote even on a question where he had an interest, he had a constitutional right to do so.

Mr. FESSENDEN suggested that the administration of the cath to the Senator from Ohio be passed over until all the other Senators had been sworn.

Mr. CONNESS objected that the Court had no right to question the right of the Senator, and he preferred that, a vote be now taken and the question decided. The question whether a Senator alone.

Mr. FESSENDEN explained that his intention was simply that all the other Senators should be sworn, so as to be able to act upon the question as a duly organized court. He had no opinion to express.

Mr. HOWARD—I do not suppose that, under the Constitution, any Senator is to be challenged, even for cause, during the trial of an impeachment, and I c

Senator from Indiana. I think that the Senator from Ohlo, the President pro tem of this body, should proceed to take the cath.

Mr. WILSON argued that no person in the chamber was authorized to make the objection. The President when he came here for trial might say, "Why was not the Senator from Ohlo sworn!" The theory of his colleague (Hendricks) was false. This impeachment was to be tried by the Senate. The Senator from Ohlo was a member of this body, and his rights as such could not be taken from burn. His election as presiding officer took from him none of his rights as a Senator.

Mr. JOHNSON urged the propriety of his motion that the question should be postponed until to-morrow. It was a question in which the people of the United States were concerned, and by no consideration of his, by no waiver of his rights, could the court be organized in any other way than in that which the Constitution provides. He repelled the intimation that the body was not a court but was a Senate. As the Senate, he argued, its powers were only legislative, and it had no judical powers except as a court. So had all their predecessors ruled. In the celebrated impeachment case of Justice Chase, the Senate held that they were acting as a court, not as a Senate. The Senators were to declare on their onths that they would decide the question of guilty or not guilty, and declare the judgment, and who had ever heard of the Senate declaring a judgment? The very fact that the Chief-Justice had to preside showed that this was a Court of the highest character. Touching the argument that a Senator had a right to vote on a question wherein he had an interest, he eaked, who had ever heard before of such a proposition? The Courts had even gone so far as to declare that a judgment pronounced by a Judge in a case where he had personal interest was absolutely void, the general principle being that no man had a right to be a judge in his own case. In conclusion, he suspended the motion, and moved that the other members be now

take the oath, and added that his duty to do it was clear in his own inded. If, hereafter, the question of interest were raised against him, it could be discussed and decided. The case of Senator Stockton, to which reference had been made, was a case in point. Notwithstanding the question of the legality of his election, no one questioned his right to be sworn in the first instance. It was only when the case came up for decision that his right to vote on that question was disputed and refused, and he (Mr. Sherman) had ever doubted the correctness of that decision. The same question came up in his own case, when he was a candidate for the Speakership of the House of Representatives. He had taken his oath as a member of the House, and he had a right, if he had chosen to exercise it, to cast his vote for himself. He claimed that the State of Ohio had a right to be represented in this trial by its two Senators. His colleague should decide for himself whether he would participate in the trial and vote on questions arising in it. Questions had been intractaged in this dahet which he thousely

had been larveduced in this debate which he thought should not have been introduced. The only question at issue was, should or should not the Senator from Ohlo be sworn in.

Mr. BAYARD argued against the right of Senator Wade to take the oath, the object of the Constitution being to exclude the person who was to profit by the deposition of the Prosadent from taking part in the proceedings leading to such deposition. He insisted that the order that of a Senate. He stood in the same position in that of a Senate. He stood in the same position in the stood in the same position in the same position in the temptor of the stood in the same position in the temptor of the stood in the same position in

dent of the United States is tried the Chief-Justice shall preside. They could not supply a reason which was not sustained by authentic cotemporaneous history in the face of one supplied by that history. In reply to Mr. Johnson's reference to his argument in the case of Mr. Stockton, Mr. Sumner said that the point which he maintained and on which he cited authorities, was that a man cannot sit as a judge on his own case. There was no pertinency in this citation in the connection with the case of the Senator from Ohio. Was that Senator impeached, or in any way called in question! Not at all. He repeated that there was no analogy between the cases. Then again, Mr. Sumner said, I hear it constantly said that the Senator from Ohio may be under temptation; that he has something which, in the technical language of the law, is called an interest. be under temptation; that he has something which, in the technical language of the law, is called an interest. As learned Senators have thought proper to bring this into debate, of course it must be treated with respect; but it does seem to me that it proceeds on a perfect misconception of the character of this proceeding. We are not sitting as a County Court for the trial of a case for assault and battery, but we are sitting upon a great question concerning the welfare of this Republic, dear to us all. It is a question on the one side of the highest justice and the interests of this great Republic, and on the other we have brought before us the suggestion of a pecuniary temptation—for that was a part of the argument of my learned friend from Maryland.

Mr. HOWE thought that the question would not be very difficult, if Senators were willing to read what was written, and abide by it. It was written that the Senate should be composed of two Senators from each State, and it was elsewhere written that Ohio was a State. It was also written that the Senate should have the power to try impeachments. If any objection did exist to the Senator from Ohio, the only person who had a right to raise the objection was not here, and was not represented here.

Mr. DRAKE argued that, if the objection had any legal validity whatever, it was one which had to be passed upon affirmatively or negatively by some bedy, and he wanted to know who that body was. Was it to be passed upon by this body itself? Then came in the difficulty, that there were still four senators unsworn. It might have been among the first, or the very first one, and the objection then would have had to be decided by the Senators, not one of whom had been sworn.

Mr. THAYER discussed the question whether this was

een sworn.
Mr. THAYER discussed the question whether this was Mr. THAYER discussed the question whether this was a Court or not! They had to come down to the plain words of the Constitution. "The Senate shall have power to try impeachments." If this body was a Court now, when did the transformation take place! It was the Senate when it met at 12 o'clock, and had not since adjourned, nor could it be said at what particular point of time the transformation took place, if at all. If the question of interest was to be raised in the case of the Senator from Ohio, it ought with greater reason to be raised against the Senator from Tennessee (Patterson), who was so closely allied with the President. Besides, every Senator who might succeed to the office of presiding officer, was also interested but one degree less than the Senator from Ohio. The Senator from Ohio could not be deprived of a vote except by gross usurpation of power.

Mr. HOWARD rose to call the attention of the Chair to the real question before the Senator, and asked whether the pending motion, that other Senators be sworn in, was not in order.

The CHIEF-JUSTICE said that the Senator from Indiana having objected to the Senator from Ohio taking the

the pending motion, that other Senators be sworn in, was not in order.

The CHIEF-JUSTICE said that the Senator from Indiana having objected to the Senator from Ohio taking the oath, there was now a motion that the remaining names be called, omitting the name of the Senator from Ohio.

Mr. HOWARD said there was no rule requiring the names to be called in alphabetical order. The remaining names could be called now. He saw no necessity for further discussion of this motion. He thought it was merely a question of order. It seemed to him it must be held that the trial had commenced, and that as the Senate had the sole power to try impeachments, and as the Constitution also prescribed and the administration of an oath, it was out of order to interfere with the taking of that oath. Mr. BUCKALEW asked whether the rules did not provide that the presiding officer shall submit all questions to the Senate! But, assuming it to be a question of order, he concluded that the clause was intended to apply to the old form of taking the oath by States. The Senate had already adopted a rule for excluding votes in particular cases—a rule founded in justice. The argument was that the Senator had a right, under the Constitution, to represent Ohio. On several occasions, recently, Senators had presented themselves, and had been dented admission. Here they were organized into a Court to decide the gravest possible questions. The objection was made at the proper time; as if it were not now made a number of members not qualified to act might take part in the proceedings, and be judges in the case. It was not only their right, but their duty to raise the question now. They were acting under the Constitution, most of them having already been sworn, and the Chief-Justice being there to add dignity and disinterestedness to their deliberations, and they probably raised the question to be decided at the carliest moment. It was a question arising under the Senator from Massachusetts. Objections were always made to jurors before they were wearned

tain duties upon them.

At 44 o'clock Mr. GRIMES, after premising that the Chief Justice having sat since 11 o'clock must be fatigued.

Chief Justice having sat since 11 o'clock must be fatigued, moved to adjourn.

Mr. HOWARD suggested that as a court, they could not adjourn the Senate, and Mr. GRIMES moved to adjourn the court until to morrow at 10 clock.

The CHIEF-JUSTICE put the motion, declared it carried, and vacated the chair, whereupen the PRESI-DENT pro team, having resumed the chair and called the Senate to order, Mr. ANTHONY tried to call up some pending business, but on motion of Mr. CHANDLER (Rep., Mich.), the Senate adjourned.

Public interest in the Congressional promembers have procured leave of absence, either to go home, or to take part in the political canvass in Maine, New-Hampshire, and other States, and hence, at the opening, this morning, not more than 20 or 36 members were in their seats.

MAINE PRONOUNCES FOR IMPEACHMENT. Mr. LYNCH (Rep., Me.) presented resolutions of the Maine House of Representatives, in favor of the impeach ment of the President.

Mr. ELIOT (Rep., Mass.) by unanimous consent, introduced a bill providing that in case of removal of the Chief-Justice of the Untred States from office, or of his death, Fesignation or inability to discharge the powers and duties of his office, the same shall devolve on the Associate Justice of such Court, whose commission is senior in time, and that such Associate Justice shall be Chief-Justice of such Court, until such inability shall be removed, or another appointment duly made, and a Chief-Justice duly qualified. Judiciary Committee.

MALTREATMENT OF IMMIGRANT PASSENGERS.
Mr. EGGLESTON (Rep., Ohio) presented resolutions of the German citizens of Cincinnati, concerning the treatment of emigrant passengers. Committee on Commerce.

ment of emigrant passengers. Committee on Commerce.

LIGHT-HOUSE OPPOSITE KETPOET, N. J.
Mr. HAIGHT (Dem., N. J.) offered a resolution instructing the Committee on Commerce to inquire into the necessity of erecting a light-house at Cliffwood, opposite to Keyport, N. J. Adopted.

Mr. BANKS (Rep., Mass.) introduced a bill for the incorporation of the National Art Union Association. Committee on the District.

HE LAKE REVENUE STEAMERS.

Mr. SCOFIELD (Rep., Penn.) presented a peution of the citizens of Eric, Penn., protesting against the sale of the Revenue steamers on the Lakes. First, because they are of service in preventing and detecting issungglers. Secondly, because in the event of a foreign war, they would be of use in protecting the commerce of the Lakes. Third, because they are of great use to vessels in time of distress, and fourth, because if sold it would be at a very great sacrifice.

tracts, and resolutions of the South Carolina Convention, rendering thanks to Congress, to Secretary Stanton, and to Gen. Grant for their patriotic course.

FUNERAL OF THE HON. PORTUS BAYER.

The SPEAKER had been requested to say that the funeral of Mr. Baxter, formerly Representative from Vermont, would take place on Sunday next, at 3 o'cleck, and that the members were invited.

THE WASHINGTON GAS COMPANY'S EXTORTIONS.
On motion of Mr. RAUM (Rep., Ill.), the Committee for the District of Columbia was instructed to inquire what legislation is necessary to compel the Washington Gas Company to reduce its extortionate charges.

APPOINTMENT OF SPECIAL MAIL AGENTS.
On motion of Mr. MEWCOMB (Rep., Mo.), the Postmaster-General was directed to furnish information relative to the appointment of special mail agents.

The old State Banks.

On motion of Mr. MORRELL (Rep., Penn.) the Committee on Banking and Currency was instructed to inquire into the expediency of amending the general banking law, so that the State banks in process of liquidation may, after faithful payment of all just demands, be relieved from the necessity of making monthly statements and from payment of tax on outstanding circulation.

The House then proceeded to the consideration of the case of R. K. Butler, Representative elect from the 1st District of Tennessee.

Mr. CASE OF MR. BUTLER OF TENNESSEE.

The House then proceeded to the consideration of the case of R. K. Butler should have his seat. The people of his district having been entitled to representation in the Confederate Legislature are new estiled to representation here. The test oath itself should be abrogated altogether instead of slicing it into doses to smit the stomachs of persons presenting themselves for admission. The principle of representation overrode all test baths.

Mr. JUDD (Rep., Ill.) moved that the House resolve itself into a Committee of the Whole to accompany the impeachment Managers to the bar of the Senate.

Mr. FARNSWORTH (Rep., Ill.) opposed the motion, reminding the Ho

During the speech, Mr. ELDRIDGE (Dem., wis.) intermated that the gentleman was "wasting his sweetness on the desert air." Therefore, he suggested an adjournment.

Mr. COOK declined to yield for that purpose, and remarked that he would concentrate his whole argument on the gentleman from Wisconsin.

Mr. SCHENCK (Rep., Ohio) opposed the joint resolution, and advocated the proposition.

Messrs. COOK, BAKER(Rep., Ill.), and KELLEY (Rep., Penn.) took the same ground.

Mr. HARDING (Rep., Ill.) opposed the admission of Mr. Butler under any circumstances. He did not believe that Mr. Butler had rendered to the Union men such services as should except him from the general operation of the law.

Mr. POLAND (Rep., Vt.), at the suggestion of several members, moved that when the House adjourn, the adjournment be to Monday Lext.

Mr. FARNSWORTH (Rep., Ill.), concurring, said that while the impeachment is in progress, the House is constructively in the Senate, and therefore the House can transact no business. It would be incongruous to send bills to the President for his approval while he is on trial for high crimes and misdemeanors.

Mr. MYERS (Rep., Penn.) suggested that a bill be passed relieving manufacturers from duty for a limited time, or until the whole system shall be perfected, or for 60 days.

Mr. SCHENCK (Rep., Ohio) remarked that the present laws are in about twenty statutes, and consequently are in piecemeal. Some of them contain what is in others, some contradict, and some modify others. The actual condition of the law can be found only by collation—comparing one part with another. If a joint resolution or bill, such as the gentleman from Pennsylvania had suggested, be passed, it would of course except tobacco, distilled spirifs, etc., from its provisions, all of which would be provided for in the general regulations. He thought that an adjournment over would enable the Committee of Ways and Means to facilitate their business; for, although the Committee were authorized to sit during the ession of the House, it

was disagreed to.

Mr. BROOMALL (Rep., Penu.) advocated the resolution

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reported from the Committee of Elections, to modify the Congressional oath so that Mr. Butler may be enabled to take his seat. Mr. MILLER (Rep., Penn.) was opposed to the resolu-

Mr. MILLER (Rep., Penn.) was opposed to the resolution, the applicant having, as a member of the Tennessee Rebel Legislature, sworn to support the Southern Confederacy. It would be dangerons to relax the law. The next step would be to ask that the law be modified to admit Alexander H. Stephens, if he should be elected to represent one of the Congressional districts of Georgia. They had better wait until the Southern States organize loyal governments, and send men here able to take the oath as it stands.

MINERAL RESOURCES OF THE COUNTRY.

The SPEAKER haid before the House a communication from the Sceretary of the Treasury, transmitting Mr. J. Ross Browne's report on the mineral resources of the States and Territories west of the Rocky Mountains.

Mines and Mining.

Mines and Mining.
Mr. SCHENCK moved to print 20,000 copies of the Re-

Mr. SCHENCK moved to print 20,000 copies of the Report. Committee on Printing.

THE TENNESSEE SEAT AGAIN.

Mr. DAWES (Rep., Mass.) regretted that the gentleman's from Pennsylvania (Mr. Milier), in the face of all the testimony, had thought proper to arraign Mr. Buther for lack of loyalty. That gentleman did not read testimony as he (Mr. Dawes) and the 11,000 loyal citizens of Tennessee, who had voted for Mr. Buther, had read it.

Mr. DAWES read the New Testament narrative of the Pharisee and the publican, saying that he made no application of it to the gentleman from Pennsylvania.

The House adopted Mr. Paine's resolution, recommitting the Report to the Committee on Elections, with ingtructions.

and, on his motion, its consideration was postponed until to-morrow.

NATIONAL ASYLUM FOR DISABLED SOLDIERS.

Mr. GARFIELD (Rep., Ohio), by unanimous consent, introduced a bill appointing Erastus B. Walcott of Wisconsin, John H. Martindale of New-York, and Hugh L. Bond of Maryland, Managers of the National Asylum for Disabled Soldiers, and authorizing the Secretary of Warto furnish from captured ordinance such ordinance with their implements as he may deem proper to the several National Asylums, for the purpose of firing saintes, and such small arms and equipments as may be necessary for the purpose of guard duty at the Asylums.

REDUCTION OR REFEAL OF THE INCOME TAX.

Mr. STEWART (Dem., N. Y.) presented the petition of Mr. Luther Wyman and others for the repeal of the income tax, and Mr. KETCHAM (Rep., N. Y.) presented the petition of Mr. George Van Kleeck and others of Poughkeepsie, N. Y., for a reduction of internal revenue taxes. The House, at 4 o'clock, adjourned.